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REMARKS

A petition for extension of time is enclosed.

Independent claims 1 and 4 are amended to include the limitations of claims 2 and 6, respectively. Claim 3 is amended to independent form. Claims 2, 6, 8 and 12 are canceled since the amendments to claims 1 and 4 have made these claims redundant. New claims 13 and 14 are added.

An interview was conducted with the examiner, Baoquoc N. To, and his supervisor on November 23, 2004 wherein the above amendments were proposed with the following arguments.

Reconsideration of claims 1, 3-5, 7 and 9-11 and consideration of new claims 13 and 14 are requested. Claims 1, 3-5, 7 and 9-11 have been rejected under 35 U.S.C. §103 based upon U.S. Patents 5,864,869 (Doak et al.) and 6,685,478 (Ho et al.). The subject matter disclosed in these patents has little, if any, relevance to the combination of elements or steps defined in these patents and the rejection of these claims is unwarranted.

The claims are deemed allowable for reciting a combination of elements or steps forming a data checking system or method for determining if necessary files and data have been entered into a data base of computerized educational management system containing a plurality of files and data wherein an item list defining possible data and files in the computerized management system is displayed, the user selects one or more items in the item list as necessary for the management system and requests a search of the data base for the

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selected items, and an inspection of the management system data base is conducted to determine the presence or absence of the selected items with the results of the inspection being reported.

As noted in the specification on page 1, computerized educational management systems have many teachers who enter and maintain data files such as lesson plans and child accomplishment entries in a central data base. The effectiveness of the management system depends upon all the parties using and entering the correct files and data. Thus there exists in the prior art a need for a simple and easy apparatus and method for management, such as a principal, to determine if necessary files have been entered and whether certain data has been entered correctly. This enables the principal or other management to monitor the operation of the educational system so that corrective action can take place, such as notifying a teacher to correctly enter his or her data files. Additionally there exist differences between different agencies and between users in an agency on what files and/or data are necessary to maintain a desired degree of usefulness of the system. The employment of an item list defining possible data enables the agency, or principal, to select those items appropriate for his or her agency in maintaining the data base.

The present invention supplies that need of the prior art by providing an apparatus and method for checking a database of a computerized educational management system for files and/or data necessary for the management system including a procedure for allowing a user to select one or more areas or items from a list of areas or items defining possible files and data

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in the management system. In response to the user requesting a check of the data base, a procedure determines if the items in the selected area or the selected items are present in the data base.

Doak et al. disclose a process for developing, creating, editing and maintaining generic and subject-specific lesson plans, grade sheets, personal information and other classroom information. The office action quotes column 5, lines 3-9 of Doak et al.:

"This invention's ability to provide ongoing daily and/or weekly comparisons of actual plan achievement with the originally entered text(s), pages, or task(s) completion to be covered in a pre-determined period and the resultant product of a completed lesson plan reduces the teacher's weekly lesson plan work requirements to basic editing and/or entering newly released or current events to be taught."

This text with the word "comparisons" is taken out of context of the disclosure of Doak et al. but when read in conjunction with the rest of the disclosure does not suggest any system of method of checking a data base for the presence or absence of files or data. Doak et al. teaches:

"A teacher uses this invention's edit process at the end of each week and responds to the program's inquiry as to the page completed or task(s) completion percentage on that day. If a teaching task, or other selected teaching period, then that too can be quantified and instead of listing pages, a percentage of task completion could be used. If the pre-selected ending period corresponds to what this invention software has predetermined based on user entries as to the page number that should be completed in the teaching cycle, the user simply prints and the next week's lesson plan would be printed, ready for submission. If the planned teaching allocation of text(s) pages or task(s) differ from actual achievement (either teacher went too slowly or too rapidly), the user can enter current status and the software has the computer re-allocate the remaining pages to fit the remaining time of the determined teaching period or the user can manually enter the allocation (page number, percent of teaching task completed, etc.), or adjust the time period in which text/task is to be completed for the next

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teaching period (day, week or month). The user then selects print and this invention will then process the information reflecting the user's decision to either slow down or speed up instruction based on what was completed in the past week and adjusted by user."

In other words "comparisons" are based upon the teacher determining that a lesson plan has not been completed; there is no system or method suggested for examination of a data base and any absence discovered is the absence of the completion of a lesson plan not the absence of an item in a data base.

The Ho et al. patent is cited for teaching "a computerized method for managing learning activities, comprising: tracking a learning activity of a student, becoming aware of the student's understanding in an area; creating a report corresponding to at least some of the tracked learning activity". First of all it is noted that the cited patent was filed on March 30, 2002 which is almost two years after the filing date of the present application and thus is not a proper reference under 35 U.S.C. §102(e); U.S. Patent 6,398,1556, issued on the parent of the cited patent, was filed on April 13, 1999 and could have been cited. The parent Ho et al. like Doak et al. does not disclose any system or method for checking a data base for the presence or absence of files or data. Parent Ho et al. at column 3, lines 10-30 state:

"In one embodiment, there are at least two types of users: Learning users and institute users. An institute user can be a representative from a company, or can be a software agent from the company. An apparatus is configured to retrieve a user identifier entered by a user, and determine the type of user based on the identifier.

If the user is a learning user, the apparatus allows the user to access information regarding learning materials. The apparatus can track the user's learning activities and update the user's profile accordingly.

If the user is an institute user, the apparatus allows the user to access information regarding at least one learning user. As the institute user is querying

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information, the apparatus can track the institute user's activities and keep a log of its use. If the institute user is interested in recruiting, the apparatus may automatically perform the best match between attributes of the potential candidate for the job and attributes of the users in its database. In yet another embodiment, the institute user may also use the present invention to conduct in-house training for its employees. "

Since the teachings of Doak et al. and Ho et al., taken singly or in combination, do not suggest any apparatus or method for meeting the prior art need for a simple and easy apparatus and method for determining if necessary files or data are missing, the claims are clearly novel and patentable over the prior art. The continued rejection of the claims is untenable.

At the conclusion of the interview, the examiner and his supervisor agreed that the cited prior art fails to disclose the particular combinations of elements or steps defined in the proposed amended claims.

This application is now believed to be in condition for allowance and such favorable action is requested.

Respectfully submitted,

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